


CITY OF HORSESHOE BAY

PLANNING AND ZONING COMMISSION NOTICE OF REGULAR PUBLIC MEETING

June 5, 2018

Notice is hereby given to all interested members of the public that the Horseshoe Bay Planning and Zoning Commission will hold its Regular Public Meeting on Tuesday, June 5, 2018 in the City Council Chambers at City Hall, #1 Community Drive, Horseshoe Bay, Llano County, Texas. The Regular Public Meeting will begin at 3:00 p.m. The agenda for the Regular Public Meeting is to discuss and/or act on the following:

1. Call the Meeting to Order and Establish a Quorum
2. Public Comments (Those who wish to speak are asked to limit their comments to three minutes)
3. Approval of Minutes of the May 1, 2018 Regular Meeting
4. Public hearing, discussion and possible action on recommendation to City Council regarding a request to rezone a 77.0 acre tract with an entrance at 3340 Hwy. 71 West from A-1 Recreational to C-3 Commercial (Summit Rock)/Phoenix Center is the applicant
5. Continued Discussion and possible action on a recommendation to City Council regarding Amendments to Sec. 14.02.406(j)(4) in Zones 3 and 4A Horseshoe Bay West and Horseshoe Bay Proper; Sec. 14.02.407(d) in Zone 5 Bay Country; Sec. 14.02.408(e) in Zone 6 Pecan Creek; Sec. 14.02.411(e) in Zone 9 Escondido; Sec. 14.02.412(e) in Zone 10 Siena Creek; Sec. 14.02.414(d)(10) and Sec. 14.02.414(d)(11) in Zone 12 Summit Rock; and Sec. 14.02.421(d)(1) in Zone 18 The Parks at Horseshoe Bay to allow new Conditional Uses with approval by City Council of a Conditional Use Permit and to delete auto service stations in all C-2 Commercial classifications where they are currently permitted uses/City is Applicant
6. Workshop:
Continued discussion and possible action on revised Development Services Staff Draft Future Land Use Map (FLUM)
7. Adjournment



Eric W. Winter, Development Services Dir.

The Planning and Zoning Commission may go into closed session, if necessary and appropriate, pursuant to the applicable section of the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapter D, on any matter that may come before the Commission that is listed on the Agenda and for which a closed session is authorized. No final action, decision, or vote will be taken by the Commission on any subject or matter while in closed session. Any action, decision or vote will be taken by the Commission only in open meeting.



PLANNING & ZONING COMMISSION

JUNE 5, 2018

To: Planning & Zoning Commission
Thru: Stan Farmer, City Manager
From: Eric Winter, Development Services Director
RE: June 5 Meeting Agenda Memo

Comments regarding Agenda items:

4. The public hearing for the Phoenix Center rezoning is scheduled for this meeting. Staff is recommending approval based on discussions with Phoenix Center principles wherein they have said that they intend for this to be the permanent location for their abused-children activities, which will also require a CUP by Council.

5. See attached staff report for this item.

6. Workshop

This Workshop will be a continuation of the Workshop on the FLUM at the May 1 Meeting, including a listing of all lots by Zone that would be required to change as a result of adoption of the FLUM through a series of the rezonings. The Commission has several options regarding the FLUM:

- Make suggestions for adjustments to the FLUM that maintain specific currently zoned areas in specific Zones.
- Maintain all existing updated zoning designations and only change areas that have been identified as the 7 Overlay Zones.
- Accept the DS Staff's revised FLUM.

For whichever option the Commission approves, the FLUM will be presented to the ACCs and POAs at a Special Meeting, and at any public presentation meeting(s) and the Commission can make any changes based on input from these meetings prior to recommending the final FLUM to Council.

I will be happy to answer any questions you have.

CITY OF HORSESHOE BAY
PLANNING AND ZONING COMMISSION
MINUTES OF SPECIAL MEETING

May 1, 2018

The Planning and Zoning Commission of the City of Horseshoe Bay held a Regular Meeting at City Hall, in the Police Department Conference Room located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, on May 1, 2018, in accordance with the duly posted notice of said meeting.

The posted agenda for this meeting is made a part of these minutes by attachment and the minutes are herewith recorded in the order the agenda items were considered, with the agenda subject and item number shown preceding the applicable paragraph.

1. Call the Meeting to Order and Establish a Quorum:

Chairman Neil Andrew called the meeting to order at 3:00 p.m. with a quorum of Commission Members as follows:

Present

Chairman Neil Andrew

Vice-Chairman Pat Bouchard

Commission Member Mark Hazelwood

Commission Member Brent Lane

Commission Member Edwin 'Scooter' Lofton

2. Public Comments (Those who wish to speak are asked to limit their comments to three minutes):

Mayor Steve Jordan, Council Member Reagan Lambert, and Mike Thuss were in attendance, but did not ask to speak.

3. Approval of Minutes of the March 6, 2018 Regular Meeting and the April 3, 2018 Special Meeting

Brent Lane made a motion to approve the March 6 meeting minutes with corrections, seconded by Pat Bouchard. The motion passed unanimously (5-0).

Mark Hazelwood made a motion to approve the April 3 meeting minutes with corrections, seconded by Scooter Lofton. The motion passed unanimously (5-0).

4. Continued Discussion and possible action on a recommendation to City Council regarding Amendments to Sec. 14.02.406(j)(4) in Zones 3 and 4A Horseshoe Bay West and Horseshoe Bay Proper; Sec. 14.02.407(d) in Zone 5 Bay Country; Sec. 14.02.408(e) in Zone 6 Pecan Creek; Sec. 14.02.411(e) in Zone 9 Escondido; Sec. 14.02.412(e) in Zone 10 Siena Creek; Sec. 14.02.414(d)(10) and Sec. 14.02.414(d)(11) in Zone 12 Summit Rock; and Sec. 14.02.421(d)(1) in Zone 18 The Parks at Horseshoe Bay to allow new Conditional Uses with approval by City Council of a Conditional Use Permit and to delete auto service stations in all C-2 Commercial classifications where they are currently permitted uses/City is Applicant

The Commission agreed to the following regarding conditional uses and permitted uses in the following Zones:

Pecan Creek – no conditional uses; no change to permitted uses

Horseshoe Bay West – Park/gateway, restaurant but with no rear deck, and require consistency of design between Grand Bank and new commercial development, no church/library or any other conditional use on the list; no auto parking areas, hotels/motels, auto service, wholesale.

Scooter Lofton discussed the ambiguity of some of the use descriptions, leading to the conclusion that definitions would need to accompany any newly added CUPs. Brent Lane encouraged each member to evaluate how municipal long-range plans would be realized in their respective zones. The discussion was continued to the next meeting to allow for more Commission member research.

5. Discussion Workshop:

Continued discussion and possible action on revised Development Services Staff Draft Future Land Use Map (FLUM)

Eric Winter reviewed additional edits to the Future Land Use Map by Development Services. The Commission asked that an analysis be made of the impacts the FLUM would have on the existing updated Zoning Map before presenting it to the ACCs and POAs and making a recommendation to Council.

6. Adjournment

Neil Andrew adjourned the meeting at 4:05 p.m.

APPROVED this 5th day of June, 2018.

CITY OF HORSESHOE BAY, TEXAS

Neil Andrew, Chairman

ATTEST:

Eric W. Winter, Development Services Director



CITY OF HORSESHOE BAY PLANNING & ZONING COMMISSION

JUNE 5, 2018

To: Planning & Zoning Commission
Thru: Stan R. Farmer, City Manager
From: Eric W. Winter, Development Services Director
RE: Public hearing, discussion and possible action on recommendation to City Council regarding a request to rezone a 77.0 acre tract with an entrance at 3340 Hwy. 71 West from A-1 Recreational to C-3 Commercial (Summit Rock)/Phoenix Center is the applicant

The Phoenix Center is requesting rezoning to C-3 (Summit Rock) to provide the highest intensity and density zoning classification for additional value for their investors, that would allow retail, hotels, multi-family and medical uses should they sell the property to a developer in the future. The property has been added to the Summit Rock Zone and Covenants, Conditions and Restrictions (CC&Rs). Surrounding zoning and land uses are:

South: R-1 Single Family Residential and ETJ/residential and vacant

North: R-1 Single Family Residential/vacant

West: A-1 Recreational and AM-1 Airport/vacant and Resort Airport; and

East: ETJ/vacant

My discussions with Phoenix Center representatives indicate that they do not intend to flip the property 5 or 10 years down the road, but rather intend this to be their forever home of the Phoenix Center with the facilities for children as planned in their initial phase (see attached site plan). Approval of C-3 zoning will require that they apply for a CUP for the recreational uses, which otherwise are not permitted, which they have done for the City Council meeting on June 19.

Approval of rezoning, though not authorizing a specific number of square feet of development, would allow any of the types of uses in the C-3 Commercial classification. However, the property has minimal frontage on Hwy. 71 and widens between the entrance to the property on the south along Hwy. 71 and the two lots fronting on White Tail to the north also owned by Phoenix Center. The limited highway access could affect the marketability of the property for future high intensity/density development.

The future developer would be required to present a development site plan to Development Services under the City's Development Policy before any development could occur. Access, emergency access and other elements of the project would be reviewed by staff when presented to ensure that the development meets all City requirements. The future developer would also be responsible for the cost of providing water and sewer services for the project, as well as the costs for Impact Fees (currently \$4,829 per LUE or Living Unit Equivalent - defined generally as one single family unit. Cost for Impact Fees for commercial projects needing a 6" water meter is currently \$241,450 and for an 8" water meter is currently \$386,320). The cost for the Impact Fees for the future development would be based on a calculation of the number of LUEs for the proposed commercial/retail/hotel/multi-family/medical uses.

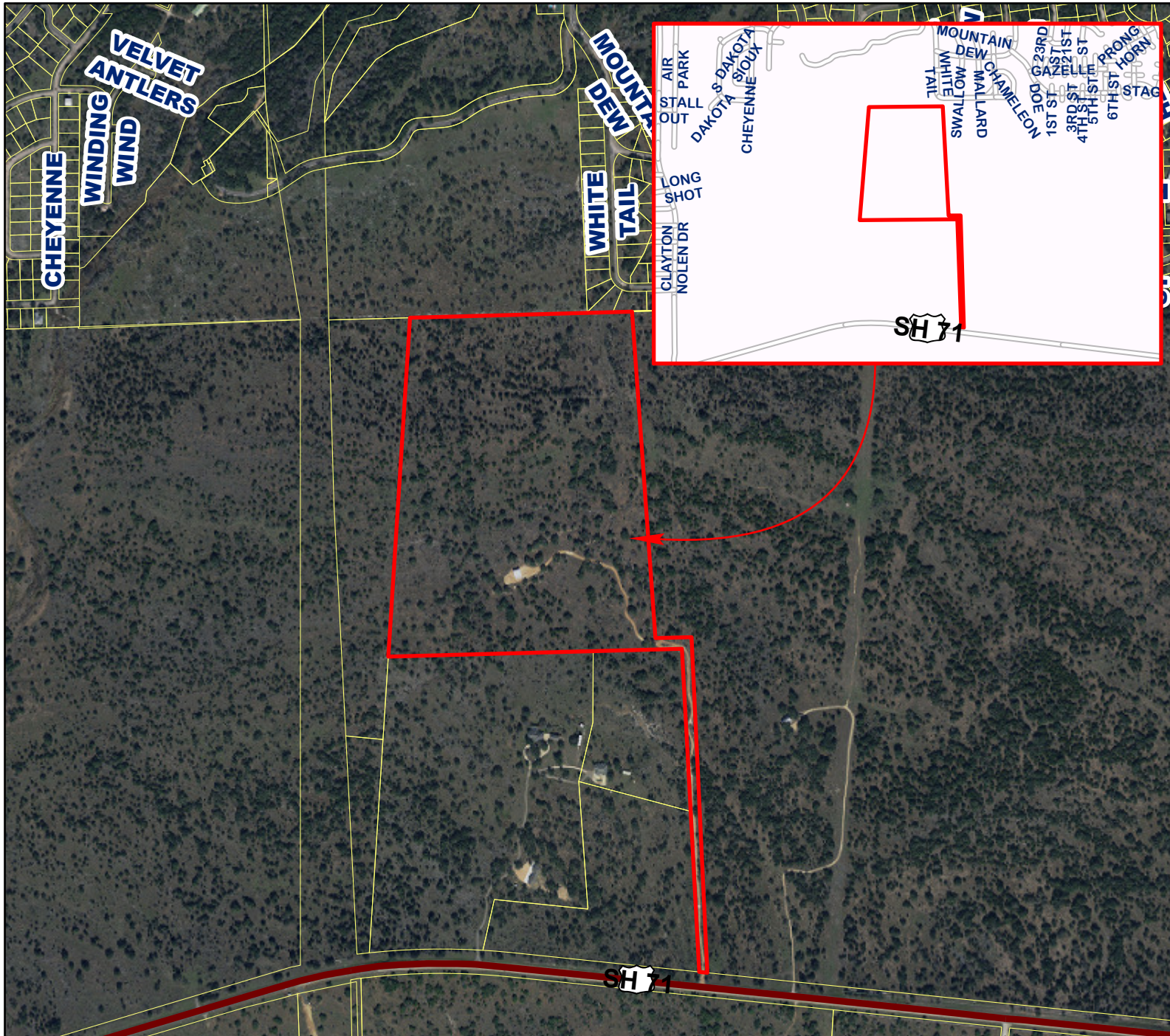
Staff is confident that the Phoenix Center principles will develop the property for their initial uses to help trauma-affected children, and that should the property be sold to a developer in the near or far future, we have sufficient development regulations in the Development Policy to protect surrounding uses.

Based on the above analysis, staff recommends that the Commission recommend approval of the attached C-3 Commercial (Summit Rock) Zoning Ordinance Amendment as requested.

**Enclosures: Aerial Photo
 Zoning Map
 Ordinance Amendment**

PHOENIX CENTER REZONING REQUEST

3340 W SH 71 TX



PHOENIX CENTER
REQUEST TO REZONE
3340 W SH 71 TX
FROM A-1 RECREATIONAL TO
C-3 COMMERCIAL (SUMMIT ROCK)

LEGEND

 3340 W SH 71 TX

Feet
0 500 1,000



Cartographic Data For General
Planning Purposes Only

Coordinate System:
NAD 1983 StatePlane Texas
Central FIPS 4203 Feet

PHOENIX CENTER REZONING REQUEST

3340 W SH 71 TX



PHOENIX CENTER
REQUEST TO REZONE
3340 W SH 71 TX
FROM A-1 RECREATIONAL TO
C-3 COMMERCIAL (SUMMIT ROCK)

LEGEND

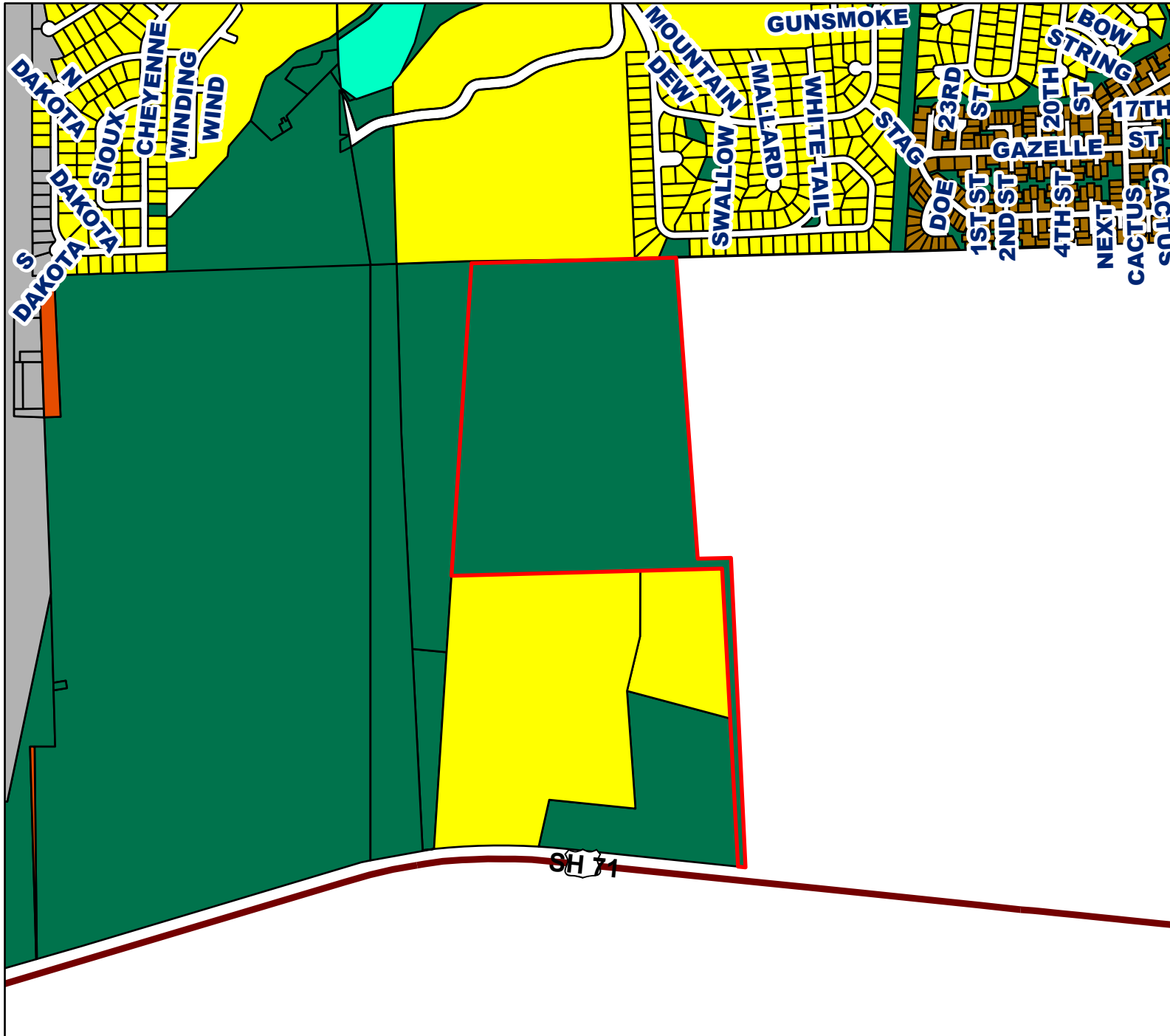
| | |
|--|-------------------------------|
| A-1 RECREATIONAL | MH-1 MOBILE HOME |
| AM-1 AIRPORT MIXED-USE | R-1 SINGLE-FAMILY RESIDENTIAL |
| C-2 GENERAL COMMERCIAL | UNK UNKNOWN |
| GUI GOVERNMENTA UTILITY, INSTITUTIONAL | 3340 W SH 71 TX |

Feet
0 500 1,000



Cartographic Data For General
Planning Purposes Only

Coordinate System:
NAD 1983 StatePlane Texas
Central FIPS 4203 Feet



CITY OF HORSESHOE BAY

ORDINANCE NO. 2018-

**AMENDMENT OF CHAPTER 14 ZONING AND THE ZONING MAP TO REZONE A 77.0
ACRE TRACT OF PROPERTY OWNED BY PHOENIX CENTER FROM A-1
RECREATIONAL TO C-3 COMMERCIAL**

**AN ORDINANCE OF THE CITY OF HORSESHOE BAY CHANGING
THE ZONING DESIGNATION FOR A 77.0 ACRE TRACT OF
PROPERTY OWNED BY PHOENIX CENTER IN HORSESHOE BAY,
BURNET COUNTY, TEXAS; AMENDING THE ZONING MAP FOR
ZONE 12 SUMMIT ROCK IN HORSESHOE BAY BY CHANGING THE
ZONING DESIGNATION OF THE TRACT FROM A-1 RECREATIONAL
TO C-3 COMMERCIAL; PROVIDING FOR SEVERABILITY;
REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND
MEETING**

WHEREAS, Chapter 14 Zoning of the City of Horseshoe Bay's Code of Ordinances provides a Zoning Map for each of the Zones in the City; and

WHEREAS, the City Council has provided public notice and has conducted a public hearing on the request to rezone a 77.0 acre tract of property owned by Phoenix Center in Zone 12 Summit Rock from A-1 Recreational to C-3 Commercial, as required by law;

WHEREAS, the City Council has received a recommendation from the Planning and Zoning Commission to rezone the tract of City-owned property from to A-1 Recreational to C-3 Commercial; and

WHEREAS, the City Council, in the exercise of its legislative discretion has concluded that Chapter 14 Zoning and the Zoning Map for Zone 12 Summit Rock of the Horseshoe Bay City Code of Ordinances should be amended as herein described.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
HORSESHOE BAY:**

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENT OF ZONE 12 SUMMIT ROCK ZONING MAP

The Zoning Map for Zone 12 Summit Rock is hereby amended as follows:

The 77.0 acre tract of land legally described in Exhibit A attached to this Ordinance is hereby rezoned from A-1 Recreational to C-3 Commercial.

III. EFFECTIVE DATE

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

V. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

VI. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

ADOPTED AND APPROVED on this the 19th day of June, 2018 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

Steven T. Jordan, Mayor

Attest:

Kerri Craig
City Secretary

EXHIBIT A

LEGAL DESCRIPTION

77.0 acres out of the John Darlin Survey No. 4, Abstract No. 248, Burnet County, Texas.



PLANNING & ZONING COMMISSION

JUNE 5, 2018

To: Planning & Zoning Commission
Thru: Stan Farmer, City Manager
From: Eric Winter, Development Services Director
RE: Conditional Uses

As you recall, the City Attorney has determined that the Council needs to approve a list of Conditional Uses to be allowed by approval of a CUP, and so the Commission needs to recommend a list of uses to be allowed by Conditional Use Permit in most, if not all Zones. If the Commission wants to encourage certain uses through allowing them as CUPs, they should be included in the list, if not they should not be. Staff is proposing a list for consideration, using Brent Lane's matrix for the format, including those already approved by the Commission by consensus at the last meeting, additional uses staff feels should be encouraged, and a list of permitted uses which should be eliminated by Zone.

Horseshoe Bay P&Z CUP Suggestions

5/31/18

| Zone | Name | C2 Zoning | C3 Zoning | CUPs Allowed | P&Z and Staff CUP Suggestions | P&Z and Staff Suggestions for Permitted Uses to be Eliminated/Changed to CUP Only for all Zones |
|-------|-------------------|--------------|--------------|-----------------|---|---|
| 3 & 4 | HSB West & Proper | Y | | Bar | Gateway, Mixed Use, unique boutiques, restaurants without back decks, outdoor entertainment facilities, farmers and artists, multi-family, recreational, | Auto service stations (8 pump maximum), auto parking areas, hotels/motels, wholesale, restaurants with back decks, theaters and auditoriums (now called outdoor entertainment facilities |
| 5 | Bay Country | Y | | | Mixed Use, Wellness | |
| 6 | Pecan Creek | Y | | | Gateway, Mixed Use | |
| 9 | Escondido | Y | | | Mixed Use, Boutique | |
| 10 | Sienna Creek | Y | | | Mixed Use, Wellness | |
| 11 | The Trails | Y | | | Gateway, Mixed Use | |
| 12 | Summit Rock | Y | Y | | Managed mixed use village Highway village scale (FLUM) | |
| 13 | Cap Rock | Y | | | Mixed use | |
| 14 | HSB Blvd | Y | | | Update, walking village, boardwalk | |
| 15 | Airport | Y | | | None | |

- Notes:
- 1. Develop design consistency with vision of LRCP, FLUM
 - 2. Outcome-based
 - 3. Cannot hope to identify all short- and long-term uses
 - 4. Adjust Zoning to limit as needed (service stations, height)
 - 5. Create business-friendly approach that gives Dev. Services/P&Z some latitude
 - 6. Preserve existing values per Comprehensive Plan and existing Ch. 14 ordinances

- Focus on:
- 1. Gateways and overlays
 - 2. Incentives for facades, landscape and sustainability
 - 3. Mixed use approach for restaurant/retail on ground, MF above
 - 4. Establish proactive mission to attract desired uses (wellness, food, retail, etc)

Brent's Comments:

1. The more I consider, the more it seems unnecessary and limiting to go down a prescriptive list of CU's. The emphasis should move toward market innovation with guidance and control by Development Services and P&Z.
2. This would be a good time to revisit Chapter 14 and update as needed to reflect the stated desires of the community (e.g., better controls for gas stations) and fill in some blanks (The Trails, Summit Rock)
3. A work session on Hilton Head and the Woodlands would be useful to understand the long-term benefits and value creation of good planning
4. Engaging Council, POA's ACC's and Resort in goal setting would be good
5. My compliments on the hard work and thoroughness of the DS efforts!



CITY OF HORSESHOE BAY

JUNE 5, 2018

To: Planning and Zoning Commission
Thru: Eric W. Winter, Development Services Director
From: David Aldridge, III Assistant Planner
RE: Continued discussion and possible action on revised Development Services Staff Draft of the Future Land Use Map (FLUM)

To supplement the continued discussion regarding the adoption of an official Future Land Use Map (FLUM), Development Services staff conducted a side-by-side comparison with the draft version of the FLUM and the current Zoning Map. The purpose was to identify properties that will need to be rezoned once the FLUM is adopted. The current zoning designation of each parcel in the City was checked against the use prescribed in the FLUM.

There were 626 clear-cut candidates for rezoning. The majority of these parcels (73%) would be changing to Mixed-Use, per the FLUM. Almost all of the remainder (25%) were Single-Family Residential tracts along the Western side of the City that would be changed to Rural Residential.

Staff found 321 parcels that were technically in conflict with the FLUM, but that should probably retain their zoning designation, and in some cases, be reflected in the FLUM. Almost all of them (292) were prescribed Single-Family Residential by the FLUM, but are zoned for another residential use, such as Multi-Family, Townhouse, or Garden Home.

There were approximately 15 tracts that would need to be partially rezoned as they stand today. However, these parcels are located within the The Parks at Horseshoe Bay and Summit Rock Planned Developments, and new lots will eventually be platted to reflect their concept plans.

A copy of the combined map showing all of the lots needing to be rezoned and a list of the lots will be provided to Commission Members at the meeting.

Enclosures: None